

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 1:20-cv-11973

v.

Honorable Thomas L. Ludington
United States District Judge

ONE THOUSAND SEVEN HUNDRED FIFTY-
SIX DOLLARS AND THREE CENTS
(\$1,765.03) IN U.S. CURRENCY FROM
HUNTINGTON NATIONAL BANK ACCOUNT
NO. XXXXXXXX0024, *et al.*

Defendants *in Rem.*

**ORDER GRANTING IN PART CLAIMANT ANDREW SEMENCHUK AND
CLAIMANT TARA SEMENCHUK'S JOINT MOTION FOR LEAVE TO FILE BRIEF IN
EXCESS OF LOCAL RULE PAGE LIMIT**

On July 29, 2024, Andrew and Tara Semenchuk—Claimants in the above-captioned civil forfeiture case—sent the attached letter to the Court seeking to file a brief in support of a forthcoming motion in excess of Local Rule 7.1(d)(3)(A)'s 25-page limit. The Semenchuks' letter, construed as a motion, requests a 25-page extension, and seeks to file a 50-page brief in support of the Semenchuks' forthcoming motion to dismiss the civil forfeiture claims and to return their seized property. Having reviewed the attached motion and this Court being otherwise fully advised in the premises, this Court finds good cause to grant the Semenchuks a 15-page extension such that their forthcoming brief in support shall not exceed 40 pages.

Accordingly, it is **ORDERED** that Claimants Andrew and Tara Semenchuk's attached Motion for Leave to file a Brief in Excess of Local Rule 7.1(d)'s Page Limit is **GRANTED IN PART**, to the extent it seeks a page extension.

Further, it is **ORDERED** that Claimants Andrew and Tara Semenchuk's attached Motion for Leave to file a Brief in Excess of Local Rule 7.1(d)'s Page Limit is **DENIED IN PART**, to the extent it seeks a 25-page extension and leave to file a forthcoming 50-page brief in support.

Further, it is **ORDERED** that Claimants Andrew and Tara Semenchuk are **DIRECTED** to file their joint brief in support of their forthcoming motion, **not to exceed 40 pages**.

Dated: July 29, 2024

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

THE LAW OFFICES OF

STEVEN L. KESSLER

July 29, 2024

Via EMAIL

The Honorable Thomas L. Ludington
United States District Court
Eastern District of Michigan
1000 Washington Ave., Room 214
Bay City, MI 48708

**Re: *United States v. One Thousand Seven Hundred
Fifty-Six Dollars and Three Cents, et al.,
Civil Case No. 20-11973***

***United States v. Jeffrey Bartlett, et al.*
Case No. 1:23-cr-20676**

Dear Judge Ludington:

This office represents Andrew Semenchuk and Tara Semenchuk, owners of nearly \$5 million in seized and restrained property that the prosecution seeks to forfeit in both the civil forfeiture case and the criminal proceeding referenced above. This request for a page extension is respectfully submitted *ex parte* pursuant to Your Honor's Individual Practices and Local Rule 7.1.

As we previously informed the Court, the Semenchuks are preparing a motion for the release and return of their seized and restrained property. We have agreed to a motion schedule with the prosecution, pursuant to which our moving papers are to be filed by July 31, 2024. Given the nature of the motion, it necessarily spans both the criminal and civil forfeiture cases. Further, in addition to the seizure and restraint of the Semenchuks' liquid assets, the motion addresses the seizure of the Semenchuks' home, which the prosecution restrained five years ago using Michigan state law procedures, and which was recently identified as subject to forfeiture in the criminal case in the prosecution's Bill of Particulars (ECF No. 85). The Bill of Particulars also lists the Semenchuks' civilly restrained accounts as subject to criminal forfeiture.

Our submission also includes briefing on a separate ground for relief – dismissal of the civil forfeiture claims against the Semenchuks' seized and restrained assets. We address this issue because, during pre-motion discussions, the prosecution took the position that, in their view, a motion to dismiss is the only procedural vehicle available for the release of assets seized or restrained by civil seizure warrants. Therefore, because of the number of issues necessarily

The Honorable Thomas L. Ludington
July 29, 2024

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addressed in the motion, our memorandum in support is approximately 50 pages, exceeding the page limits set by L.R. 7.1.

We note that the only additional materials accompanying our motion are six exhibits totaling 20 pages. We understand that the page total requires submission of a printed courtesy copy in compliance with Your Honor's Individual Practices.

In light of the foregoing and the importance of the issues presented by the Semenchuks' motion, we respectfully request that this application for a page extension be granted.

Thank you.

Respectfully,



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